

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 7/12/2023
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EDWARD DIEOREO,

Plaintiff,

-v -

ASCENT CONFERENCE LLC, *et al.*,

Defendants.  
----- X

1:XX-cv-XXX-GHW

ORDER


GREGORY H. WOODS, United States District Judge:

The Court has scheduled a conference for 2:00 p.m. on July 14, 2023 to review the proposed settlement agreement in this case under *Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2016). Dkt. No. 26; *see* Dkt. Nos. 22–25. In reviewing the relevant materials, the Court observes that the Plaintiff calculates his “reasonable estimate of his claimed unpaid overtime wages under the FLSA . . . *exclusive of claims under New Hampshire law and statutory penalties.*” Dkt. No. 23 at 2. But in the settlement agreement, the Plaintiff releases wage-and-hour claims not only under the FLSA, but also under other New Hampshire statutes. *See* Dkt. No. 24 Ex. 1 ¶ 3. As a result, in order to properly assess Plaintiff’s “range of possible recovery” as necessary under *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332 (S.D.N.Y. 2012), the Court needs additional information about Plaintiff’s other wage-and-hour claims. Specifically, counsel for Plaintiff is directed to file on the docket by no later than **12:00 p.m. EST on July 13, 2023** a letter stating (a) whether the inclusion of other claims brought in Plaintiff’s complaint outside of the FLSA claim, but that Plaintiff has waived future litigation of in his settlement agreement, modify the range of his possible recovery, (b) if so, what Plaintiff’s range of possible recovery is including those claims, and (c) a chart of the type provided at Dkt. No. 24 Ex. 2 providing the calculations underlying any additional possible recovery that Plaintiff could

obtain through such claims.

SO ORDERED.

Dated: July 12, 2023  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge